

REMARKS

Claims 1 and 7 have been amended. Claims 11-14 have been added.

In the Office Action under reply, claims 1, 4, 5, 7, 9 and 10 have been rejected under 35 U.S.C. 102(b) as being anticipated by Noriyuki (JP 2000-069356). Claims 2 and 6 have been rejected under 35 USC 103(a) as being unpatentable over Noriyuki in view of Kubo (U.S. Patent 7,030,911). Claim 3 has been rejected under 35 USC 103(a) as being unpatentable over Noriyuki in view of Numata et al. ("Numata") (U.S. Patent 6,654,062). With respect to Applicant's claims, as amended, these rejections are respectfully traversed.

Applicant's independent claim 1 has been amended to better define Applicant's invention. More particularly, amended claim 1 recites an image sensing apparatus comprising: a first exposure level calculation device which calculates a first exposure level based on a result of photometry performed after an image sensing preparation instruction by an image sensing preparation instruction member; a second exposure level calculation device which calculates a second exposure level of an image signal output after image sensing; an exposure correction device which corrects a target exposure level upon image capturing based on a exposure correction value set by a user; an exposure error calculation device which calculates an exposure error between the first exposure level calculated by said first exposure level calculation device and the second exposure level calculated by said second exposure level calculation device; and an exposure error correction device which performs a correction operation of the exposure error by using the exposure error calculated by said exposure error calculation device, when said image sensing apparatus is in an auto exposure control mode, wherein said exposure error correction device does not perform the correction operation when the target exposure level has been corrected by said exposure correction device. Support for the

amendments to claim 1 is set forth in the application as originally filed on page 20, lines 3-22 (paragraph [0054] of the published application). Independent claim 7 has been similarly amended. Such a construction is not taught or suggested by the cited art of record.

In accordance with the present invention as recited in Applicant's amended claim 1, the present invention is characterized by the following features:

- (a) The image sensing apparatus comprises a first exposure level calculation device which calculates a first exposure level based on a result of photometry performed after an image sensing preparation instruction by an image sensing preparation instruction member, a second exposure level calculation device which calculates a second exposure level of an image signal output after image sensing, and an exposure error calculation device which calculates an exposure error between the first exposure level calculated by said first exposure level calculation device and the second exposure level calculated by said second exposure level calculation device;
- (b) The apparatus comprises an exposure correction device which corrects a target exposure level upon image capturing based on a exposure correction value set by a user; and
- (c) The exposure error correction device does not perform the correction operation when the target exposure level has been corrected by said exposure correction device.

As illustrated below, the cited art neither discloses nor suggests features (b) and (c) stated above.

Noriyuki discloses an image sensing apparatus in which an exposure error between an exposure level of a sensed image and a correct exposure level is calculated, and the exposure error is corrected. Noriyuki further describes that a correction operation may not be performed when the calculated exposure error is very small. Noriyuki is further discussed in Applicant's prior Amendment filed November 13, 2009, on page 9, lines 1-23.

Based on a careful review of Noriyuki, this cited reference, which is summarized above and in Applicant's prior Amendment, neither discloses nor suggests feature (b) of Applicant's

claimed invention. Namely, Noriyuki neither discloses nor suggests that a target exposure level upon image sensing is corrected based on an exposure correction value set by a user. In addition, since Noriyuki does not disclose such feature, this cited reference also neither discloses nor suggests feature (c) stated above, namely, that the correction operation is not performed when the target exposure level has been corrected. Accordingly, Noriyuki does not anticipate Applicant's claim 1.

With regard to Kubo, cited against Applicant's dependent claims 2 and 6, this cited reference discloses that it is determined that a user does not intend to sense an image when switch S2 is not turned on after a predetermined time period has elapsed after switch S1 has been turned on, and the disclosed device does not perform actual exposure and instead tries to perform exposure for performing photometry, colorimetry, and distance measurement again. Additional details of Kubo are further provided in Applicant's prior Amendment, dated November 13, 2009, on pages 11-13. However, Kubo fails to disclose Applicant's recited features (b) and (c), as discussed above, and Kubo further fails to disclose feature (a) discussed above.

With regard to Numata, cited against Applicant's dependent claim 3, this reference discloses that the shutter speed, the aperture value, the light emitting amount, the light emitting time period and the gain are adjusted for optimum exposure. However, Numata also further fails to disclose Applicant's recited features (b) and (c), as well as feature (a).

With regard to Applicant's new claims 11-14, support for the features recited in claim 11 is set forth in the application on page 20, lines 3-22 (paragraph [0054] of published application), support for new claim 12 is set forth on page 21, lines 9-22 (paragraph [0056] of published application), support for new claim 13 is set forth on page 22, lines 8-19 (paragraph

[0058] of published application), and support for new claim 14 is set forth on page 23, line 12 to page 24, line 7 (paragraph [0060] of published application). It is submitted that the features recited in the new claims are neither disclosed nor suggested in the cited art. With regard to Noriyuki, this cited reference discloses calculating the ratio α ($=K/AveC$), which is the ratio of the exposure level of the sensed image to the correct exposure level, and discloses that correction of the exposure level of the sensed image is not performed when $K/AveC$ falls within a very small range σ , and correction is performed when $K/AveC$ is outside the range σ . The present invention, however, operates quite differently. Namely, according to the present invention, such as recited in Applicant's new claim 11, the correction operation is not performed when the target exposure level has been corrected regardless of the magnitude of the exposure error. Hence, the features of new claim 11, as well as the features recited in the other new claims, are neither disclosed nor suggested in Noriyuki.

In view of the above, Noriyuki does not disclose the above-described features of Applicant's independent claim 1. Hence, Applicant's amended claim 1, and Applicant's amended independent claim 7 since it discloses such features, and the dependent claims including new claims 11-14, thus patentably distinguish over Noriyuki. In addition, Kubo and Numata, discussed above and cited against various dependent claims, add nothing to change this conclusion.

Accordingly, it is submitted that Applicant's claims, as amended, patentably distinguish over the cited art of record. Therefore, reconsideration and allowance of the application and claims is respectfully requested.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mark Montague", with a stylized flourish at the end.

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